

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 3rd day of February, 2014 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Adan Chapa Mayor
 Phillip Hyatt Mayor Pro Tem
 Billy Ellis Council Member
 Vickie Abrego Council Member
 Ramiro Gomez Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
 Sylvia Carrillo City Manager
 Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Amanda Torres Administrative Assistant
 Michael Holmes Building Official
 Ron Howe M.C. Judge
 Bill Haines Emergency Management Coordinator
 Margarita Wilhelm GIS Intern
 Sarah Lee Civic Center Manager

OTHERS PRESENT: Annita West, Edward & Ellie Block, Judy Vlassek, Barbara Oxford, Carol Salinas, Ernie & Olivia Torres, Jim & Alpha Covington, Patty Gilden, Juan Perales Jr, Randy & Jean Hunter, Donald Brummett, Rosemary Vega/Chamber of Commerce, Nancy Vasquez & Robert Cuevas/Linebarger, Scott Harris, Aransas County Commissioner Jack Chaney, and Brandy Chaney.

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Chapa called the meeting to order at 7:00 PM.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Chapa gave the Invocation and led the Pledge of Allegiance to the United States Flag.

3. **CONSIDER AND ACT ON MINUTES OF JANUARY 16 AND 20, 2014.**

Motion Made By: Hyatt
Seconded By: Ellis
Votes: Aye Hyatt, Ellis, Chapa, Gomez, Abrego
Nay:

Discussion: Mayor Chapa stated, for future minutes, he would like for all Council Members who abstain from a vote, to give an explanation of abstention concerning minutes for public record.

4. **CONSIDER AND ACT ON REQUEST OF DARLENE CURNOW FOR LAND SUBDIVISION FOR PROPERTY LOCATED AT 1309 N MCCAMPBELL ST., ARANSAS PASS, TEXAS.**

Motion Made By: **PASSED**

Seconded By:

Votes: Aye

Nay:

Discussion:

5. **CONSIDER AND ACT ON TAX RESALE PROPERTIES:**

A. SUIT NO. S-04-1053-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs Roland R. Rivas, et al Acct. No. 35617; Lot 8, Block 272, Original Townsite, City of Aransas Pass, San Patricio County, Texas, as described in Document File #441553, Real Property Records of San Patricio County, Texas

B. SUIT NO. S-07-1214-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs Edward Lee Weight, et al Tract No. 1: Acct. No. 35619; Lot 14, and the East 25 feet of Lot 13, Block 272, Original Townsite, City of Aransas Pass, San Patricio County, Texas, as described in Clerk's file #401734, Real Property Records of San Patricio County, Texas.

C. SUIT NO. S-08-1100-TX; Aransas Pass Independent School District, City of Aransas Pass and San Patricio County vs Lupe Leal, et al Acct. No. 0011-0351-0007-002; Lots 7 & 8, Block 351; City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 2, Page 10, and in Volume 3, Page 41, Map Records of San Patricio County, Texas.

D. SUIT NO. S-09-1327—TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs Dellene Nelson Vaughan, et al Tract No. 1: Acct. No. 35533; Lot 16, Block 256, Original Townsite, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 41, Map Records of Nueces County, Texas.

E. SUIT NO. S-10-1142-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs Frank De La Rosa, Sr., et al Acct. No. 42861; Block 3, out of Lot 42, Burton and Danforth Subdivision, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 1, Page 62, Map Records of San Patricio County, Texas.

F. SUIT NO. S-10-1146-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs James F. Hudson, et al Acct. No. 64341; Lot 4-A, Re-Plat of Farm Lot 4, Outlot 16, Burton & Danforth Subdivision, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 12, Page 42, Map Records of San Patricio County, Texas.

G. SUIT NO. A-01-3058-TX-B; Aransas County, Aransas Pass Independent School District and City of Aransas Pass vs Martin Ancira, Jr., et al Tract No. 2: Acct. No. R15551; All that certain lot, tract or parcel of land being 50 feet off the Northwest side of Tract 11, Conn Brown Addition No. 3, according to the map or plat thereof recorded in Volume 1, Page 69, Plat Records of Aransas County, Texas.

H. SUIT NO. A-07-3063-TX-A; Aransas Pass Independent School District, City of Aransas Pass and San Patricio County vs Jeffrey A. Duay, et al Tract No. 5: Acct. No. 0149-389-025-000, R12486; ; Lots 25, 26, 27, & 28, Block 389, Original Townsite, City of Aransas Pass, Aransas County, as described in Clerk's file #217490, Official Records of Aransas County, Texas.

I. SUIT NO. A-07-3063-TX-A; Aransas Pass Independent School District, City of Aransas Pass and Aransas County vs Jeffrey A. Duay, et al Tract No. 4: Acct. No. 0149-0389-030-000, R12488; Lots 30, Block 389; City of Aransas Pass, Texas, according to the map or plat thereof, recorded in Volume 3, Page 41, Map Records of Aransas Pass, Texas.

J. SUIT NO. A-07-3063-TX-A; Aransas Pass Independent School District, City of Aransas Pass and Aransas County vs Jeffrey A. Duay, et al Tract No. 6: Acct. No. 0149-0389-032-000, R12490; Lots 32, Block 389; City of Aransas Pass, Texas, according to the map or plat thereof, recorded in Volume 3, Page 41, Map Records of Aransas Pass, Texas.

K. SUIT NO. A-07-3099-TX-A; Aransas County and City of Aransas Pass vs Anna Mae Ferguson, et al Acct. No. R12612; Lots 7 & 8, Block 456, Original Townsite, City of Aransas Pass, Aransas County, Texas, according to the map or plat thereof, recorded in Volume 2, Page 105, Map Records of Aransas County, Texas.

L. SUIT NO. S-08-1057-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs. Nancy Clemons James, aka Nancy Edwards, et al Acct. No. 0011-262-0015-002; Lots 15 & 16, Block 262, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 2, Pages 10-11, and Volume 3, Page 41, Map Records of San Patricio County, Texas.

M. SUIT NO. S-10-1153-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs. A.A. Tripp, Jr., et al Acct. No. 35567; Lot 4, Block 261, an addition to the Town of Aransas Pass, San Patricio County, Texas, as described in Volume 242, Page 639, Deed Records of San Patricio County, Texas.

N. SUIT NO. S-10-1167-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs. Slidell Harvey, et al Acct. No. 34852; All of Lots 19-21, Block 755, Alamo Heights Addition, an addition to San Patricio County, Texas, according to the map or plat thereof, recorded in Clerk's file #485224, Official Public Records of San Patricio County, Texas.

O. SUIT NO. S11-1092-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs. William E. Nichols III, et al Acct. No. 0011-0311-0015-010; an undivided 18.0556% interest in Lot 15, Block 311 and Lots 1, 2, 3, 6, 7, 13, 14 & 16, Block 312, Original Townsite, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 41, Map Records of San Patricio County, Texas.

Motion Made By: Mayor Pro Tem Hyatt
Seconded By: Council member Abrego
Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa
Nay:

Discussion: Council member Abrego stated letter N.: All of Lots 19-21, Block 755, Alamo Heights Addition, and addition of San Patricio County, had a burnt, dilapidated building on it and asked Mr. Cuevas what the procedure was on removing the building once property was purchased. City Manager Carrillo stated it was the City's responsibility to make sure all owners complied with City of Aransas Pass Code Enforcement.

Mayor Pro Tem Hyatt made a motion to approve all tax-resale properties. Council member Abrego seconded the motion and the motion carried unanimously.

6. **CONSIDER AND ACT ON CONTRACT FOR FINES AND FEES COLLECTION SERVICES BY LINEBARGER, GOGGAN, BLAIR, AND SAMPSON FOR THE CITY OF ARANSAS PASS.**

Motion Made By: Council member Ellis
Seconded By: Council member Gomez
Votes: Aye Ellis, Gomez, Hyatt, Abrego, Chapa
Nay:

Discussion: Ms. Nancy Vasquez stated Linebarger, Goggan, Blair and Sampson would like to continue their services with the City of Aransas Pass fines and fees collection and was presenting a three year contract for those services.

Council member Ellis made a motion to approve Contract for Fines and Fees Collection Services by Linebarger, Goggan, Blair and Sampson for the City of Aransas Pass. Council member Gomez seconded the motion and the motion carried unanimously.

7. **CONSIDER AND ACT ON ARANSAS PASS CIVIC CENTER ENTERING INTO A MONITORING AGREEMENT WITH SANDOLLAR SECURITY SERVICES, LLC.**

Motion Made By: Mayor Pro Tem Hyatt
Seconded By: Council member Ellis
Votes: Aye Hyatt, Ellis, Gomez, Abrego, Chapa
Nay:

Discussion: Civic Center Manager Sarah Lee stated the ADT contract would expire in March and she would like to enter into a Monitoring Agreement with Sandollar Security Services. She stated Sandollar Security Services were less expensive and was a local company.

Mayor Pro Tem Hyatt made a motion to approve Aransas Pass Civic Center entering into a Monitoring Agreement with Sandollar Security Services. Council member Ellis seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON AMENDING THE ARANSAS PASS CODE OF ORDINANCES PART II – THE CODE, CHAPTER 18 – OFFENSES AND MISCELLANEOUS, ARTICLE I – IN GENERAL, SECTION 18-9, DISCHARGING FIREARMS, AIR GUNS OR SPRING GUNS ORDINANCE BY MAKING DISCHARGING FIREARMS IN CITY LIMITS A CLASS C MISDEMEANOR.**

Motion Made By: Council member Ellis
Seconded By: Council member Abrego
Votes: Aye Ellis, Abrego, Hyatt, Gomez, Chapa

Nay:

Discussion: City Manager Carrillo stated the purpose of the agenda item was, currently, the restriction on discharging a firearm does not seem to restrict shooting within the city limits unless the firearm is an air-gun. There is an exception inserted into the ordinance that tends to allow shooting within the city for hunting purposes but bans a public place where the shooting is expected to be. The ordinance modification would correct the language and allow law enforcement a Class C Misdemeanor option to choose over the State offense of disorderly conduct which is a Class B Demeanor.

Council member Ellis made a motion to approve amending the Aransas Pass Code of Ordinances Part II – The code, Chapter 18 – Offenses and miscellaneous, Article I – In general, Section 18-9, Discharging firearms, air guns or spring guns ordinance by making discharging firearms in city limits a Class C Misdemeanor. Council member Abrego seconded the motion and the motion carried unanimously.

9. **CONSIDER AND ACT ON AN ORDINANCE AMENDING THE ARANSAS PASS CODE OF ORDINANCES; PART II –THE CODE; CHAPTER 2 – ADMINISTRATION; DIVISION 5 – MEMORIAL COMMISSION; SECTION 2-26 THRU 2-31 IN ORDER TO CREATE A MORE DIVERSIFIED MEMBERSHIP BASE, CLARIFY COUNCIL AUTHORITY, AND ESTABLISH MEMBER MEETINGS, TIMES & DATES.**

Motion Made By: Council member Abrego

Seconded By: Mayor Pro Tem Hyatt

Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa

Nay:

Discussion: City Manager Carrillo stated staff would like to make modifications to the current Memorial Commission Ordinance. She stated there are seven (7) members, who shall be residents of the city. Two (2) members from city council; one (1) member from chamber of commerce board of directors; and four (4) residents of Aransas Pass. The seven (7) members shall be appointed by the mayor with the approval of the city council. There are several slots to be filled; one (1) from Council, and two (2) which will expire in February 2014. Recently, the Chamber of Commerce appointed a member to the board, and the member was not a board of director as stipulated in the ordinance. Staff is requesting an amendment to allow any member selected by the Chamber to serve on the Commission. (2) The meetings are not set on an established schedule, "The board shall meet at the call of the chairman or at the request of the city council". In an effort to allow more community members to serve our many boards and commissions, staff is recommending a set meeting schedule similar to the Municipal Development District (MDD), the Crime Board, and Planning Commission. Staff is proposing the second Tuesday of the month at 6 pm. (3) The Commission composition does not have a staff liaison acting as secretary. This makes Open Records Requests difficult to fill as staff has to contact Commission Members for action and minutes taken at the last meeting. Staff is recommending an amendment to the ordinance stipulating the secretary of the Commission be an appointed City staffer, preferably, the City Secretary or her designee. (4) In an effort to ensure and clarify that the board is in fact an advisory committee with the final action by the City Council of Aransas Pass, staff is recommending some additional language in Sec 2-30 and 2-31. All Boards and Commission powers are vested by the City Council and any actions taken by them should be a direct reflection of the will of the Council and the people of Aransas Pass.

Council member Abrego made a motion to approve an ordinance amending the Aransas Pass Code of Ordinances; Part II –The code; Chapter 2 – Administration; Division 5 – Memorial Commission; Section 2-26 thru 2-31 in order to create a more diversified membership base, clarify council authority, and establish member meetings, times & dates. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

10. **CONSIDER AND ACT ON APPOINTING MEMBERS TO THE ARANSAS PASS MEMORIAL COMMISSION.**

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Gomez

Votes: Aye Hyatt, Gomez, Ellis, Abrego, Chapa

Nay:

Discussion: City Manager Carrillo stated when the council packets were distributed, Ms. Karen Mayer had reapplied for a position on the Memorial Commission Board. Since then, Ms. Mayer rescinded her application. She stated that left only two applications for two open positions.

Mayor Pro Tem Hyatt made a motion to approve Ms. Patty Gilden and Ms. Jen Rubinowitz for the Aransas Pass Memorial Commission. Council member Gomez seconded the motion and the motion carried unanimously.

11. **CONSIDER AND ACT ON ENTERING INTO A CONTRACT WITH LNV ENGINEERING TO CREATE AN ANNEXATION PLAN AND POSSIBLE CCN AMENDMENT IN THE EXEMPT AREAS OF THE CITY.**

Motion Made By: Council member Abrego

Seconded By: Mayor Pro Tem Hyatt

Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa

Nay:

Discussion: City Manager Carrillo stated State statute requires municipalities to have an adopted Annexation Plan in place. The City of Aransas Pass repealed its Annexation Plan when it chose not to continue with the annexation of the area towards the Rockport city limits. Annexation can be done in dual format: exempt areas (less than 100 residential homes) and non-exempt (a three year process). We would like to partner with LNV to allow for the review of the non-exempt areas, service plans, survey and boundary determination, etc. This is in advance of a formal annexation plan to be presented to the City Council in the next few months. Certificate of Necessity (CCN) render the geographical boundary in which the municipality may offer services for water and wastewater. These are very important to cities as they serve as a foundation for revenue into the Water and Sewer Fund, and also are a way to assist, curtain, or control development in a certain area.

Council member Abrego made a motion to approve entering into a contract with LNV Engineering to create an annexation plan and possible CCN amendment in the exempt areas of the city. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

12. **CONSIDER AND ACT ON A FOLLOW-UP CAPITAL IMPROVEMENT PLANNING WORKSHOP.**

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Ellis

Votes: Aye Hyatt, Ellis, Gomez, Abrego, Chapa

Nay:

Discussion: City Manager Carrillo stated the Aransas Pass City Council needed to have a follow up Capital Improvement Planning Workshop.

After a brief discussion on dates, Mayor Pro Tem Hyatt made a motion to approve Tuesday, February 11, 2014 at 7:00 PM for the follow-up Capital Improvement Planning Workshop. Council Member Ellis seconded the motion and the motion carried unanimously.

13. **CITY MANAGER UPDATES**

City Manager Carrillo updated City Council on water tower renovation (stalled due to no TCEQ permit pulled); Ethics training by Texas A&M University Kingville; getting the Aransas Pass Fire Department credited; TAMUCC performing a site evaluation for the Aransas Pass Aquatic Center; shingles from the Aransas Pass Transfer Station still being hauled to San Antonio; and a set meeting with Mr. Hogsett from Texas Parks and Wildlife.

14. **CITIZENS' COMMENTS**

Name: Donald Brummett

Address: 902 S. Rife

Concern: Changing Memorial Commission meeting date and times.

Departments Affected: Aransas Pass Memorial Commission

Discussion: Mr. Brummett resigned his position with the Aransas Pass Memorial Commission due to new date and times of meetings.

Name: Aransas County Commissioner Jack Chaney

Address:

Concern:

Discussion: Introduced his self and told Council if they needed any assistance with Aransas County to not hesitate to call.

Name: Richard Gonzales

Address:

Concern:

Discussion: Spoke on the Science and Spanish Club and the up-and-coming Roast "Aransas Pass – The Most Politically Overrepresented City in Texas.

15. **RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Chapa retired into Executive Session at 7:47 PM.

A. Section 551.071 –Consultation with City Attorney – Legal Matters – Naismith Engineering

B. Section 551.071 – Consultation with City Attorney – Legal Matter – Municipal Court Warrants

16. **RECONVENE OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Chapa reconvened the Open Meeting at 8:28 PM.

A. Section 551.071 - Consultation with City Attorney – Legal Matters – Naismith Engineering

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Abrego

Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa

Nay:

Discussion: Mayor Pro Tem Hyatt made a motion to remove Naismith from the Matlock and FM 1069 waterline projects with the City of Aransas Pass. Council member Abrego seconded the motion and the motion carried unanimously.

B. Section 551.071 – Consultation with City Attorney – Legal Matter – Municipal Court Warrants

Motion Made By: **No Action**

Seconded By:

Votes: Aye

Nay:

Discussion:

17. **ADJOURNMENT OF MEETING.**

Motion Made By: Council member Abrego

Seconded By: Council member Gomez

Votes: Aye Abrego, Gomez, Hyatt, Ellis, Chapa

Nay:

Council member Abrego made a motion to adjourn the meeting. Council member Gomez seconded the motion and the motion carried unanimously

Mayor Chapa adjourned the meeting at 8:30 PM.

Yvonne Stonebraker, City Secretary